

REMARKS

Status of the Claims

Claims 1-3, 7-10 and 13-16 are pending in this application. No claims have been canceled or added. Claims 1 and 13 have been amended to correct grammatical errors and to properly recite the copolymers. No new matter has been added by the above claim amendments.

Applicants also submit that no new matter has been added by the amendments to the specification. Support for the specification amendments regarding temperature ranges and is found in examples 1, 2 and 3.

Applicants respectfully request that the above amendments be entered as no new issues are raised that would require additional search or consideration and the amendments place the application in condition for allowance.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 1-3, 7-10 and 13-16 as not enabled by the specification. Specifically, the Examiner states that the specification does not set forth the orientation temperature range. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants amend the specification at page 15 to describe that in the uniaxial orientation, the orientation temperature in the machine direction is not lower than 10°C lower than the temperature for melting polyethylene and is not greater than the melting temperature of polypropylene. Applicants submit that this amendment to the specification enables one of ordinary skill in the art to practice the invention without undue experimentation. As such, this rejection should be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-3, 7-10 and 13-16 as obvious over Meilhon et al USP 5,356,677 in view of Rees USP 3,264,272 and further in view of Applicants disclosure. Applicants traverse the rejection and respectfully request the withdrawal thereof.

The present invention is directed to a multilayer film comprising two outer layers and at least one inner layer interposed between the outer layers, wherein the inner layer is from 20 to 90% of the thickness of the multilayer film, and wherein the multilayer film is uniaxially oriented in a machine direction; and wherein said two outer layers contain a propylene based resin, and said inner layer contains at least one ethylene based resin selected from the group consisting of low density polyethylene, a copolymer of

ethylene with at least one α -olefin having 3 to 10 carbon atoms, an ethylene-vinyl acetate copolymer, an ethylene-acrylic acid ester copolymer and an ethylene-methacrylic acid ester copolymer; and wherein the multilayer film has (a) a tear strength in a machine direction of not less than about 30 kg/cm, and (b) a tensile breaking point elongation in a machine direction of not more than about 150%. The present invention is also directed to a roll of self-tacky wrapping of the multilayer film.

The material of the outer layers is limited to a propylene based resin and the inner layer is limited to specific ethylene based resin. These copolymers do not include ionic copolymers, such as the ionic copolymers disclosed in Meilhon '677.

Meilhon '677 discloses a shrinkable thermoplastic packaging film having a tear strength in the machine direction that is at least twice the tear strength in the transverse direction. The multilayer film in Meilhon '677 comprises at least one layer of olefinic polymer and at least one layer of ionic copolymer. The ionic copolymer disclosed in Meilhon '677 is one selected from the list described at column 3, lines 11-23. These ionic copolymers do not fall within the scope of the propylene based resin that makes up the outer layer, and the ethylene based resin selected from the group consisting of low density polyethylene, a copolymer of

ethylene with at least one α -olefin having 3 to 10 carbon atoms, an ethylene-vinyl acetate copolymer, an ethylene-acrylic acid ester copolymer and an ethylene-methacrylic acid ester copolymer that makes up the inner layer.

Meilhon '677 fails to disclose or suggest that the film is a combination of the outer layers composed of a propylene based resin and an inner layer that is composed of specific ethylene based resin.

Moreover, Meilhon '677 fails to suggest that the melting temperatures of these materials are within the specific range described in the claims. Page 15, lines 17-20 of the specification describes that the orientation temperature in the uniaxial orientation is preferably from about 90 to 140°C. Meaning, in the uniaxial orientation, the orientation temperature in the machine direction is not lower than 10°C lower than the temperature for melting polyethylene and is not greater than the melting temperature of polypropylene.

For the foregoing reasons, Applicants submit that no prima facie case of obviousness has been established since one of ordinary skill in the art could not arrive at the present invention from the combination as suggested by the Examiner. As such, Applicants respectfully request that the rejection be withdrawn.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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